

**Notice of Allowability**

Application No.

09/753,328

Examiner

JAGDISH PATEL

Applicant(s)

TULLOCH ET AL.

Art Unit

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/23/06.
2. ☒ The allowed claim(s) is/are 1-15, 17, 18 and 25-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is in response to amendment filed 8/23/06.

#### ***Response to Amendment***

2. Claims 16 and 19-24 have been canceled. Claims 1, 6 and 25-28 have been amended per request. Claims 1-15, 17, 18 and 25-28 remain pending and have been allowed.

#### ***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

##### Claims 1-15 and 17-18, 25-28

The claimed inventions pertain to conducting online electronic auctions, and in particular, to business-to-business auctions with rebates and discounts.

The following prior art references have been deemed most relevant to the allowed claim(s):

VIRGINIA POWER TO SEEK 1,750 MW MORE THROUGH COMPETITIVE BIDDING, Electric Utility Week, pg 15, March 14, 1998 (hereafter COMPETITIVE BIDDING). (Proposals received from vendors are analyzed to select best proposals using a ~four-factor bid-evaluation system" inherently this requires the receiving Of bids from the respective bidders, assigning values to each bid with unit of measurement (e.g. dependable capacity and energy prices (Cents/kwh)) these are then transformed (in association

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with other three factors) to respective score of each bid, the score being measured in percentage).

The COMPETITIVEBIDDING however, fails to teach that at least one of a rebate and discount is offered with at least one of the first and second bids in an online auction and that in response to the first and second bids, to assign a first value and a first unit of measurement for the first bid and a second value and second unit of measurement for the second bid using in part the at least one of a rebate and discount offered with at least one of the first and second bids.

Carlton-Foss while teaches assigning a first value and a first unit of measurement for the first bid and a second value and second unit of measurement for the second bid using a plurality of bid attributes such as availability, delivery, price etc. Carlton-Foss fails to explicitly teach that at least one of a rebate and discount is offered with at least one of the first and second bids, and that the assigning the a first value and that the first unit of measurement for the first bid and the second value and second unit of measurement for the second bid are assigned in part using at least one of a rebate and discount offered with at least one of the first and second bids.

The aforementioned reasons of allowability applies to claims 1-15 and 17-18, 25-28.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Tu and Th. On Fridays the examiner can be reached at (301) 455-0510.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammel can be reached on (571)272-6712. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

11/12/06.